

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

United States of America v. Lyle Edward Newby
Case No. 3:21-cr-00120-TMB-MMS

By: THE HONORABLE TIMOTHY M. BURGESS

PROCEEDINGS: ORDER FROM CHAMBERS

The matter comes before the Court on the Final Report and Recommendation (the “R&R”) of the Magistrate Judge,¹ recommending the Court deny Defendant Lyle Edward Newby’s Motion to Suppress at Docket 68 (the “Motion”).² Neither Newby nor the United States (the “Government”) object to the R&R. The Government, however, does alert the Court to a typographical error on the first page of the R&R.³

On February 8, 2023, the Magistrate Judge denied Newby’s Motion for Hearing Pursuant to *Franks v. Delaware*⁴ and Motion for an Evidentiary Hearing.⁵ On March 8, 2023, the Magistrate Judge submitted the R&R, recommending the Court deny the Motion.⁶

After reviewing the R&R, the parties’ briefing, and the record—and recognizing that the parties have not filed any objections⁷ to the R&R—the Court acknowledges the minor typographical error noted by the Government and **ACCEPTS and ADOPTS** the R&R at Docket 98. Consequently, the Motion at Docket 68 is **DENIED**.

Entered at the direction of the Honorable Timothy M. Burgess, United States District Judge.

DATE: April 18, 2023.

¹ Dkt. 98 (R&R).

² Dkt. 68 (Motion).

³ Dkt. 99 (Notice) (“The [G]overnment does not have any objections except to note what appears to be a typo[graphical error] on page 1 of the R&R. There, the R&R refers to FBI Agent Tom King. Senior Special Agent Tom King is with the Bureau of Alcohol, Tobacco, Firearms and Explosives, not the FBI.”).

⁴ 438 U.S. 154 (1978).

⁵ Dkt. 69 (Motion for *Franks* Hearing); Dkt. 70 (Motion for Evidentiary Hearing); Dkt. 96 (Text Order); Dkt. 97 (Text Order).

⁶ See generally Dkt. 98 at 15.

⁷ 28 U.S.C. § 636(b)(1)(C) (“Within fourteen days after being served with a copy [of the magistrate judge’s proposed findings and recommendations], any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made. A judge of the court may accept, reject or modify, in whole or in part, the findings or recommendations made by the magistrate judge.”).